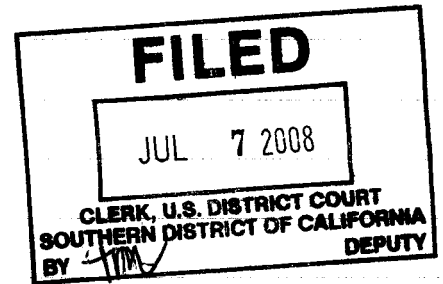


BENJAMIN ZAZUETA
Metropolitan Correctional Center
808 Union St.
San Diego Ca. 92101



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
Plaintiff,

vs.

BENJAMIN ZAZUETA

Defendant.

CASE NO.: 08CR00896

NOTICE OF MOTION AND MOTION

TO:

1) DISMISS

DATE: JUNE 12, 2008

JUDGE: Hilary Hoff

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY, AND
CARLOS CANTU, ASSISTANT UNITED STATES ATTORNEY

PLEASE TAKE NOTICE that on June 23rd, or as
soon thereafter as defendant may be heard, the
defendant, BENJAMIN ZAZUETA, by pro-se will
and hereby does ask this court to enter an order

NOTICE OF MOTION AND MOTION TO: DISMISS

1

1 granting the motion listed below.
2
3

4 MOTION

5
6 I, BENJAMIN ZAZUETA, asks this court pursuant
7 to United States Constitution, and all other
8 applicable statutes, case law and local rules, hereby
9 moves this court for ~~enter~~^{B.Z.} an order to:
10
11

12
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14 1) DISMISS ALL CHARGES
15

16
17 GROUND
18

19 1) Violation of fast and speedy trial pursuant to
20 title 18 U.S.C. § 3161.
21

22
23 2) Failed to indict within the statutory time
24 limit.
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26
27 3) Failure of government to proceed with
28 prosecution.

NOTICE OF MOTION AND MOTION TO: 2 DISMISS

4) Innefective counsel

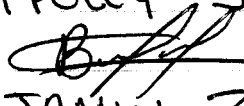
Defendant~~s~~ hereby asks the Court to dismiss ~~all~~^{B.2} all charges in that the United States of America has failed to try the defendant, on current charges within 70 days in violation of 18 U.S.C 1361, furthermore the United States of America has fail to indict the defendant and the goverment refuses to proceed with this case and ~~is~~^{B.2} is allowing the defendant to linger in custody without the benefit of proceeding to trial.

Defendant~~s~~ prays that the court grants any other relief that is deemed Just and proper and this motion is based upon the instant motion

1 and notice of motions and ⁸² ~~ANY~~ and ALL other
2 materials that may come to this court's attention
3 at the time of the hearing on this motion.
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8 JUNE 12, 2008

RESPECTFULLY SUBMITTED

9 
10 BENJAMIN ZAZUBETA

11 DEFENDANT PRO-SE
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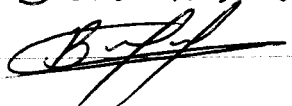
June 12, 2008

Dear Court Clerck

Please accept for filing the
enclosed writ of habeas and
motion to dismiss.

AND CAN YOU PLEASE PROVIDE COPIES
TO THE UNITED STATES ATTORNEY ON
MY BEHALF.

Thank you for your time and
consideration on this matter

Sencereby: BENJAMIN ZAWETA #67880208
 12 FLOOR 7/8 RANGE

MCC
808 UNION ST
San Diego Ca. 92101